

1 BEFORE THE ARIZONA MEDICAL BOARD

2  
3 In the Matter of

Case No. MD-07-0746A

4 **GLENN G. ROBERTSON, M.D.**

5 License No. 33045

6 For the Practice of Allopathic Medicine  
In the State of Arizona.

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND AND  
PROBATION**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Glenn G. Robertson, M.D. ("Respondent"), the parties agree to the following  
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the  
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
13 Respondent acknowledges that he has the right to consult with legal counsel regarding  
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily  
16 relinquishes any rights to a hearing or judicial review in state or federal court on the  
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18 Board, and waives any other cause of action related thereto or arising from said Consent  
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and  
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This  
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24 action against Respondent.  
25

1           5.     This Consent Agreement does not constitute a dismissal or resolution of  
2 other matters currently pending before the Board, if any, and does not constitute any  
3 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
4 other pending or future investigation, action or proceeding. The acceptance of this  
5 Consent Agreement does not preclude any other agency, subdivision or officer of this  
6 State from instituting other civil or criminal proceedings with respect to the conduct that is  
7 the subject of this Consent Agreement.

8           6.     All admissions made by Respondent are solely for final disposition of this  
9 matter and any subsequent related administrative proceedings or civil litigation involving  
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
11 or made for any other use, such as in the context of another state or federal government  
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
13 any other state or federal court.

14          7.     Respondent fully and finally releases the State of Arizona, its agencies,  
15 boards, commissions, employees, and agents from any claims (including attorneys fees,  
16 costs and expenses), that Respondent has asserted, could assert or may assert in the  
17 future against the State of Arizona, its agencies, boards, commissions, employees  
18 servants and agents related to the conduct described in this Consent Agreement and the  
19 State of Arizona's investigation and litigation thereof.

20          8.     Upon signing this agreement, and returning this document (or a copy thereof)  
21 to the Board's Executive Director, Respondent may not revoke the acceptance of the  
22 Consent Agreement. Respondent may not make any modifications to the document. Any  
23 modifications to this original document are ineffective and void unless mutually approved  
24 by the parties.

1           9.       If the Board does not adopt this Consent Agreement, Respondent will not  
2 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
3 bias, prejudice, prejudgment or other similar defense.

4           10.      This Consent Agreement, once approved and signed, is a public record that  
5 will be publicly disseminated as a formal action of the Board and will be reported to the  
6 National Practitioner Data Bank and to the Arizona Medical Board's website.

7           11.      If any part of the Consent Agreement is later declared void or otherwise  
8 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
9 and effect.

10          12.      Any violation of this Consent Agreement constitutes unprofessional conduct  
11 and may result in disciplinary action. A.R.S. §§ 32-1401(27)(r) ("[v]iolating a formal order,  
12 probation, consent agreement or stipulation issued or entered into by the board or its  
13 executive director under this chapter") and 32-1451.

14          **13.      Respondent has read and understands the conditions of probation.**

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16 

DATED: 10/29/09

17 GLENN G. ROBERTSON, M.D.  
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**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 33045 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-0746A after receiving a complaint regarding Respondent's care and treatment of a twenty-four year-old female patient ("SG").

4. In February 2007, Respondent employed SG and they had a personal relationship. On several occasions, Respondent prescribed SG methylphenidate based upon her existing prescription bottles and referred her to a psychiatrist for mental hygiene disorder.

5. During an investigational interview with Board Staff on August 17, 2007, Respondent admitted that SG was not his patient, that he prescribed the methylphenidate on at least three occasions, that he did not perform a physical exam or contact SG's previous prescriber of methylphenidate, and that he did not request SG's other treating physician's medical records.

6. On August 20, 2007, Respondent signed an Interim Order to undergo certain evaluations. On that same date, Respondent signed an Interim Practice Restriction prohibiting him from practicing clinical medicine.

7. Upon evaluation, Respondent was diagnosed with attention deficit disorder (ADD) for which he had previously been treated. The evaluators also recommended that Respondent address boundaries issues, as they relate to SG.

8. In June 2009, Board staff requested a supplemental report from one of the evaluators. According to the evaluator's supplemental report dated July 15, 2009,

1 Respondent could return to the practice of medicine provided he complied with certain  
2 requirements including psychiatric treatment by a psychiatrist experienced in the treatment  
3 of Attention Deficit Disorder.

4 9. A physician is required to maintain adequate legible medical records  
5 containing, at a minimum, sufficient information to identify the patient, support the  
6 diagnosis, justify the treatment, accurately document the results, indicate advice and  
7 cautionary warnings provided to the patient and provide sufficient information for another  
8 practitioner to assume continuity of the patient's care at any point in the course of  
9 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did  
10 not document any indications for the medications prescribed to SG.

#### 11 CONCLUSIONS OF LAW

12 1. The Board possesses jurisdiction over the subject matter hereof and over  
13 Respondent.

14 2. The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. § 32-1401(27)(e) ("[f]ailing or refusing to maintain adequate  
16 records on a patient."); and A.R.S. § 32-1401(27)(ss) ("[p]rescribing, dispensing or  
17 furnishing a prescription medication or a prescription-only device as defined in section 32-  
18 1901 to a person unless the licensee first conducts a physical examination of that person  
19 or has previously established a doctor-patient relationship.")

#### 20 ORDER

21 IT IS HEREBY ORDERED THAT:

- 22 1. Respondent is issued a **Letter of Reprimand**;
- 23 2. The restriction on Respondent's license to practice allopathic medicine is  
24 lifted; and
- 25

1           3.     Respondent is placed on probation for **two years** with the following terms  
2 and conditions:

3           A.     Physician shall enter in-person treatment with a Board Staff approved  
4 psychiatrist experienced in the treatment of Attention Deficit Disorder and shall comply  
5 with any and all treatment recommendations, including taking any and all prescribed  
6 medications. Physician shall instruct the treating psychiatrist to submit quarterly written  
7 reports to Board Staff regarding diagnosis, prognosis, current medications,  
8 recommendation for continuing care and treatment, and ability to safely practice  
9 medicine. The reports shall be submitted on or before 15<sup>th</sup> day of March, June,  
10 September and December. Physician shall provide the psychiatrist with a copy of this  
11 Agreement. Physician shall pay the expenses of all the care and be responsible for  
12 paying for the preparation of the quarterly reports. After **twelve months**, Respondent  
13 may submit a written request to the Executive Director requesting termination of the  
14 requirement that Respondent remain in treatment with a psychiatrist. The decision to  
15 terminate will be based, in part, upon the treating psychiatrist's recommendation for  
16 continued care and treatment.

17           B.     If Physician fails to comply with the terms of Paragraph (3), Physician shall  
18 promptly enter into an Interim Consent Agreement for Practice Limitation that requires,  
19 among other things, that Physician not practice medicine until such time as Physician is  
20 evaluated, deemed fit to return to practice, and obtains affirmative approval from the  
21 Executive Director to return to the practice of medicine. Physician may be required to  
22 undergo any combination of physical examination, psychiatric or psychological evaluation  
23 and/or to successfully pass the Special Purpose Licensing Examination and/or participate  
24 in interviews with Board Staff for the purposes of assisting in determining Physician's  
25 ability to safely return to the practice of medicine. **In no respect shall the terms of this**

1 paragraph restrict the Board's authority to initiate and take disciplinary action for  
2 violation of this Consent Agreement.

3 C. Within six months of the date of this Order, Respondent shall enroll in and  
4 complete a Board approved comprehensive boundaries course.

5 D. Respondent shall enter a contract with a Board pre-approved monitoring  
6 company to provide all monitoring services for compliance with the terms of this Order.  
7 Respondent shall bear all costs of monitoring requirements and services.

8 4. The Board retains jurisdiction and may initiate new action based upon any  
9 violation of this Order.

10 DATED AND EFFECTIVE this 2<sup>ND</sup> day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

12 By *L. S. Wynn*  
13 Lisa S. Wynn  
14 Executive Director  
15

16 ORIGINAL of the foregoing filed  
17 this 2<sup>nd</sup> day of December, 2009 with:

18 Arizona Medical Board  
19 9545 E. Doubletree Ranch Road  
20 Scottsdale, AZ 85258

21 EXECUTED COPY of the foregoing mailed  
22 this 2<sup>nd</sup> day of December, 2009 to:

23 Mark F. Willimann, Esq.  
24 P.O. Box 91010  
25 Tucson, Arizona 85752-1010

EXECUTED COPY of the foregoing mailed  
this 2<sup>nd</sup> day of December, 2009 to:

1 Glenn G. Robertson, M.D.  
2 Address of Record

3   
4 Investigational Review

#599939